



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,338	03/01/2004	Charles Frank	022153.0005US1	2413
34284	7590	05/13/2008		
Rutan & Tucker, LLP. 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER CHO, HONG SOL	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 05/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,338

Applicant(s)

FRANK ET AL.

Examiner

HONG CHO

Art Unit

2619

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/10/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 3/10/2008. Claims 19-30 are pending in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(c) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19, 21, 22, 26, 27, 29 and 30 are rejected under 35 U.S.C. 102(c) as being anticipated by Edsall et al (US 20030118053), hereinafter referred to as Edsall.

Re claim 19, Edsall discloses providing a protocol adapted to allow communication with individual disaggregated elements (storage devices, figure 1, elements 102, 104, 106, 108, 110 and 112) of the target device (figure 1, element 101) (paragraph [0035], lines 3-10) wherein the protocol includes: (a) network packets (figure 4) individually addressing the elements using distinct network addresses that are individually associated with each of the elements (figure 4, element 412, VSAN ID) and

(b) commands providing instructions to the elements (TTL field specifying the number of remaining hops, paragraph [0055]), lines 5-7); and sending data to at least one of the elements (paragraph [0035], lines 7-10) via at least one of the network packets that encapsulates at least one of the commands (figure 4; paragraph [0049]).

Re claims 21 and 22, Edsall discloses a network address (VSAN ID) associated with the storage area of the target device, and the network address is sufficient to route the network packets to the storage area of the target device (paragraph [0036], lines 1-11).

Re claims 26 and 27, Edsall discloses sending data to the elements of the target device (paragraph [0036], lines 9-11).

Re claim 29, Edsall discloses further encapsulates a location address that addresses a location within the at least one element (paragraph [0049], lines 5-9).

Re claim 30, Edsall discloses a transfer data command (TTL field specifying the number of remaining hops that can be traversed, paragraph [0055]) in a packet.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edsall in view of McCanne et al (US 7120666), hereinafter referred to as McCanne.

Re claim 20, Edsall discloses all of the limitations of the base claim, but fails to disclose responding to requests for data by sending only a single block of data per request. McCanne discloses a client sending a request for data block to a server and the server responds with data responsive to the request (column 9, lines 42-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edsall by adding to it the feature of client and server interaction for the benefit of providing reliable and partitioned flow of data streams from the server upon the user request.

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edsall in view of Kobayashi (US 20010026550).

Re claims 23 and 25, Edsall discloses all of the limitations of the base claim, but fails to disclose the network address being an IP address located in a control portion of an encapsulating IP packet. Kobayashi discloses the network address being an IP address located in a control portion of an encapsulating IP packet (represented by address fields of IP header in figure 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edsall to use an IP address as a network address. The motivation is to get the benefit of serving different types of traffic as suggested by Edsall (paragraph [0034], lines 11-13).

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edsall in view of Kobayashi and further in view of Wang (US 6693912).

Re claim 24, Edsall and Kobayashi disclose all of the limitations of the base claim, but fail to disclose a packet comprising a token where the token of a packet is used by the target device to determine whether to execute the command of the packet. Wang discloses performing QoS mapping as specified in an active packet (a token, column 3, lines 14-20), and performing QoS management operations by running a program specified in an active packet (column 3, lines 28-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edsall with the teaching of Wang so that a program or a program identifier and request would be inserted in the packet fields for the benefit of meeting user specified QoS requirements.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edsall in view of in view of Ohran (US 20010037371).

Re claim 28, Edsall discloses all of the limitations of the base claim, but fails to disclose a second element of the target device sending data to the one element of the target device. Ohran discloses means for communications between servers (paragraph [0048], lines 25-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Edsall by adding to it the

feature of interoperability among servers for the benefit of load balancing or sharing among servers.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2619

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hong Cho/

Hong Cho
Patent Examiner
5/8/2008